

FARMINGTON CITY
PLANNING COMMISSION MEETING
May 22, 2014

STUDY SESSION

***Present:** Commissioners Heather Barnum, Kent Hinckley, Kris Kaufman, Mack McDonald and Rebecca Wayment, Alternate Commissioner Karolyn Lehn, Community Development Director David Petersen, Associate City Planner Eric Anderson and Recording Secretary Lara Johnson. Chairman Brett Anderson and Alternate Commissioner Michael Nilson were excused.*

Staff said there will not be any minutes to present for the evening. The minutes will be approved at the next Planning Commission meeting.

The Commission and staff discussed amending Chapter 12 in the Zoning Ordinance regarding Conservation Subdivisions. Many of the Commissioners expressed concern that there is a great divide regarding the purpose and intent of the Ordinance and the way it is currently being applied. The Commissioners feel it important to conserve and protect the land; however, many developers are using the ordinance's bonus structure to build higher density developments. They also expressed frustration that Chapter 11 (Single Family Residential) will never be used as long as Chapter 12 remains as is currently written.

Staff and the Commission discussed the need for waivers and how many of the City's amenities, including many parks and trails, have been obtained and developed as a result of the waivers. All agreed that the waivers are important, but they still want to amend the ordinance so there is more conservation of land happening.

David Petersen suggested breaking Chapter 12 into three sections. Depending on where the property is located will determine if it will qualify for a Conservation Subdivision, waivers, TDRs, etc. Commissioners agreed a "tiered" approach would be better. Staff will prepare a draft of the revised ordinance.

REGULAR SESSION

***Present:** Chairman Brett Anderson, Commissioners Heather Barnum, Kent Hinckley, Kris Kaufman, Mack McDonald and Rebecca Wayment, Alternate Commissioner Karolyn Lehn, Community Development Director David Petersen, Associate City Planner Eric Anderson and Recording Secretary Lara Johnson. Alternate Commissioner Michael Nilson was excused.*

#1. Minutes

There were no minutes to approve at this time.

#2. City Council Report

Eric Anderson gave a report from the City Council meeting on May 20, 2014. The main item discussed at the meeting was The Haws Company (THC). They asked that the City Council not vote on the item at the meeting, but later when the development application comes before the Council. For now, THC wanted the Council's input. The City Council also approved the rezone for Dr. Leaver's dental office. **Kris Kaufman** asked staff to report on the special meeting the Council had regarding Brentwood Estates for the other Commission members. **Eric Anderson** stated the City Attorney said it was an inappropriate appeal since it was made on a Preliminary Plat and not the Final Plat as an appeal only applies to a final decision, in addition, the Planning Commission did make a decision approving Preliminary Plat and therefore the applicant can move forward to Final Plat.

SUBDIVISION APPLICATIONS

#3. Jason Harris/Fieldstone Homes (Public Hearing) – Applicant is requesting Preliminary Plat approval for the proposed Farmington Park Conservation Subdivision consisting of 74 lots on 39.75 acres located at approximately 1100 West and Glover Lane in an AE zone. (S-4-14)

Eric Anderson said the applicant is applying for a conservation subdivision and will be having 11 acres of open space for a future park. Since he will meet the open space requirement with the 11 acres, he will get an additional 12 lots, taking the 62 lots from the yield plan to a total of 74. The school property was originally located in the northeast corner; however, Davis County School District has agreed upon a land swap to move their property to the northwest corner. The land swap will make it possible for the school to be along 1100 W instead of being along a local, neighborhood road. The City Council did not approve the 9 lot TDR as originally requested by the applicant. There are still some outstanding issues regarding whether or not a Conditional Letter of Map Revision (CLOMR) will be required, but that can be determined during Final Plat.

Brett Anderson asked the City's intentions for the 55' right-of-way (r.o.w.) that is located east of the property. **David Peterson** said the City is waiting to see if this development will progress to Final Plat. If so, then they will determine if they will vacate it. **Eric Anderson** added, even if the School District stays in the northeast corner, they have no interest in the r.o.w., but the City wanted to keep it just in case.

Jason Harris, 12896 S Pony Express Rd., Draper, said he is looking forward to moving forward with this plan and is happy to answer any questions from the Commission.

Brett Anderson opened the public hearing at 7:22 p.m.

Jon Shurtliff, 891 Country Lane, thanked the Commission for their suggested changes and was grateful the City Council approved what the Commission recommended. He expressed concerns regarding the development's drainage. This property is approximately 4' higher than the properties to the north. He wanted confirmation that no drainage would come onto his property as he is located just across from this development. He also asked that the developer be required to remove the Conservation Subdivision label in the event the West Davis Corridor conflicts with the proposed 11 acre park which would result in it not being built.

Brett Anderson closed the public hearing at 7:26 p.m.

Mack McDonald asked for clarification on what a “no rise certificate” is, as shown in the staff report. **Eric Anderson** explained the developer is required to provide plans on how they will mitigate storm water to ensure the water will not cause the base flood elevation to rise on neighboring property.

Brett Anderson asked if the creek on the property will be piped. **Eric Anderson** stated Public Works would like the developer to pipe it; however, the Army Corp of Engineers must determine if the creek is qualified as wetlands. If so, then it cannot be piped. **Jason Harris** added it has not yet been determined if that is the recommendation, but they will know more at Final Plat.

Rebecca Wayment thanked the applicant for listening to the Commission’s and the neighbor’s comments. She feels this development now fits the surrounding area.

Motion:

Rebecca Wayment made a motion that the Planning Commission approve the Preliminary Plat for the Farmington Park Conservation Subdivision subject to all applicable Farmington City Codes and development standards and the following conditions:

1. The applicant will mitigate the on-site wetlands and those mitigation efforts must be approved by the US Army Corp of Engineers prior to Final Plat approval;
2. The applicant will obtain both a CLOMR and LOMR from FEMA prior to building permit issuance;
3. The applicant will obtain a no-rise certificate for the proposed subdivision;
4. The applicant will receive Davis School District approval for the land swap prior to Final Plat.

Mack McDonald seconded the motion which was unanimously approved.

Findings:

1. The proposed development meets all the standards and requirements of a conservation subdivision (option 2) in the AE zone such as minimum lot sizes, lot widths and setbacks.
2. The proposed development is at a density of 1.99 units per acre, which is consistent with the adjacent neighborhoods and the RRD General Plan designation.
3. The development is not seeking a waiver of the open space provision and is providing the City with much needed recreational space.
4. The overall layout follows the low density residential objectives of the General Plan.
5. Moving the future elementary school to the northwest corner will be advantageous to all parties, including the City.

Item #4. Kenneth Steed (Public Hearing) – Applicant is requesting metes and bounds subdivision approval for the proposed Subdivision consisting of 2 lots on one acre located 650 West and 500 South in an AE (Agricultural Estates) zone. (S-6-14)

Eric Anderson stated this is essentially a lot split; however, in the AE zone, the minimum lot size requirement is 1 acre. Since this lot is 1 acre, to do the lot split, the applicant has to apply for a Conservation Subdivision. As part of the subdivision, improvements must be made to 650 W. and to 500 S. Since 650 W. remains unimproved to the north and 500 South to the west, the applicant has also agreed upon an extension agreement with the City to do improvements when the road is completed. The applicant has asked that the open space be waived; the City Manager is in

negotiations with the applicant to make that happen. The applicant has also asked for a waiver regarding Sections 11-12-100 (b), (d) and (e).

Kenneth Steed, 448 S. 650 W., stated in mediation, if the land could be split, half would be his so that is what he is trying to do. He agreed to make the curb, gutter and sidewalk improvements when it is time. He does not plan on building on his side of the lot split anytime in the foreseeable future.

Brett Anderson opened the public hearing at 7:37 p.m.

Don Sides, 520 S. 650 W., said he lives on 2 acres across from the applicant's property. He does not have any concerns with the split and stated he may want to do a lot split to his property someday. He also explained that he does have livestock on his property, which also creates a lot of dust and additional smells.

Kris Kaufman asked if there is a notation that needs to be made on a plat regarding Mr. Sides comments. **David Petersen** stated there is no plat in this case to note. The only other way to note it would be a "deed restriction" on the land, which would state the area has a lot of horses and other agricultural uses, if the applicant chooses to do so.

Annette Steed, 448 S. 650 W., lives on the other side of the property that is being split. She stated she wished the applicant would leave the property as is so it would be on one property deed.

Brett Anderson closed the public hearing at 7:41 p.m.

Brett Anderson asked if the City has any concerns with splitting the property with how the ownership is set up on the property. **David Petersen** asked Mr. Steed if he owns the property jointly or if he is the only owner. **Kenneth Steed** said it is owned jointly; however, during mediation, Annette Steed agreed to take the east side of the property and he agreed to take the west. **Kris Kaufman** expressed concerns that both owners of the property must apply jointly for the lot split. **Kenneth Steed** clarified that Annette Steed signed the application for the lot split, as well as the respective deeds.

Annette Steed added that she is not opposed to the lot split, but she would like additional help from Kenneth Steed with curb, gutter and sidewalk improvements when the time comes. **David Petersen** clarified that when this property is subdivided, there will be an extension agreement along all frontage of the entire acre. The corner lot will have double the frontage; the interior lot will have less. When the City calls upon that extension agreement, the property owner will have to pay for what fronts their property. The applicants will have to work something out with each other if they so choose.

Motion:

Kris Kaufman made a motion that the Planning Commission recommend that the City Council approve the metes and bounds Tillie's Corner Conservation Subdivision subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant must appear before the City Council for final approval;
2. The applicant must enter into an extension agreement for road improvements prior to recordation;

3. The applicant must obtain waivers of Section 11-12-100(b)(d)&(e) through a vote of not less than four (4) members of City Council;
4. The applicant must obtain a waiver of the 25% open space requirement, and pay compensation of an amount determined through negotiations with the City Manager, and pay that waiver prior to recordation. This waiver shall be obtained through a vote of not less than four (4) members of the City Council.
5. The property owner must dedicate an additional 8' of right-of-way by warranty deed to expand the 500 South right-of-way. The property owner should be reimbursed for all system costs associated with the dedication.

Rebecca Wayment seconded the motion.

The Commissioners expressed concern that this is being approved based on the applicants' court proceedings. **David Petersen** clarified that if the waiver is obtained, the applicants meet all current ordinances in Chapter 12 for the Conservation Subdivision; the decision would not be based on court proceedings, but on meeting the City's ordinances. The Commissioners are still concerned about the purpose and application of Chapter 12 Conservation Subdivisions. They feel a moratorium should be in place until Chapter 12 can be appropriately amended.

Karolyn Lehn asked if the City will serve two separate bills, one to each property owner, when the extension agreement is called upon. **David Petersen** said yes.

Don Sides asked for further clarification on placing a moratorium regarding Conservation Subdivisions and if that means he cannot divide his property. **David Petersen** explained to Mr. Sides that the moratorium is to stop new applications from being submitted while the ordinance is being amended. Once amended, it will likely help him be able to divide his property.

With regards to the motion, **Brett Anderson**, **Kent Hinckley**, **Kris Kaufman** and **Karolyn Lehn** approved the motion; **Mack McDonald** and **Rebecca Wayment** denied it.

Finding for Approval:

1. The proposed lot split will be in compliance with the spirit of both the General Plan and the Zoning Ordinance, and will maintain the rural character of Farmington.

Motion:

Mack McDonald made a motion that the Planning Commission recommend that the City place a moratorium on Chapter 12 Conservation Subdivision applications that the City is receiving for a time period of 6 months until the ordinance can be amended and the changes can be reviewed. **Kent Hinckley** seconded the motion which was unanimously approved.

CONDITIONAL USE APPLICATIONS

Item #5. Brian Tagge/Flowcal (Public Hearing) – Applicant is requesting conditional use approval for a temporary use of a shaved ice stand on property located at approximately 1000 West and Shepard Lane in the C (Commercial) Zone. (C-10-14)

Eric Anderson said the applicant wants to put a shaved ice stand in the old Kmart parking lot. Because it is a temporary operation, staff recommends an end date of the operation. Staff proposed October 1, 2014, but the date is up to the Planning Commission to decide.

The applicant was not present.

Brett Anderson opened the public hearing at 8:01 p.m.

No comments were received.

Brett Anderson closed the public hearing at 8:01 p.m.

David Petersen said in the past Planning Commissions have approved temporary uses for one season or one year. When the applicant reapplies, if there have not been any issues, the Planning Commission often approves an extension for 5-6 years. **Kent Hinckley** stated since the operation is temporary, he feels it best that the Planning Commission review the situation each year.

Motion:

Kris Kaufman made a motion that the Planning Commission approve the temporary use subject to all applicable Farmington City ordinances and development standards, and the following conditions:

1. The use terminates no later than one year from today's date, or May 22, 2015;
2. The hours of operation are limited to 10 a.m. to 10 p.m.
3. The applicant must obtain all other applicable permits for the operation of the temporary use including but not limited to all business license from Farmington City, all health department regulations and all applicable building codes.

Kent Hinckley seconded the motion which was unanimously approved.

Findings for Approval:

1. The proposed use of the particular location is necessary and desirable and provides a service which contributes to the general well-being of the community.
2. The proposed use complies with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use.
3. The proposed use conforms to the goals, policies and principles of the Comprehensive General Plan.
4. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing neighborhoods.
5. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation.
6. The proposed use is not detrimental to the health, safety and general welfare of persons residing or working in the vicinity.

Item #6. Russell Relyea (Public Hearing) – Applicant is requesting conditional use approval for a temporary use of a corn dog stand on property located at approximately 1000 West and Shepard Lane in the C (Commercial) Zone. (C-11-14)

Eric Anderson said the applicant is also requesting a conditional use permit. The Commission needs to set a time limit for the conditional use as this is also a temporary operation. The applicant is also proposing the stand be in the old Kmart parking lot, but on the other end from the shaved ice stand.

Russell Relyea, 30 W. 100 N. Kaysville, owner of World's Best Corn Dogs, would also like the conditional use permit be set for one year.

Brett Anderson asked if the truck leaves every day. **Mr. Relyea** explained the truck, stand and tables are typically set up around 9-10 a.m. every day, operations run from 11 a.m. until dusk, and then is all dissembled and stored at a different location.

Brett Anderson opened the public hearing at 8:13 p.m.

No comments were received.

Brett Anderson closed the public hearing at 8:13 p.m.

Brett Anderson feels this is a good use for the large, open parking lot. **Rebecca Wayment** is concerned that visibility is not adequate enough. **David Petersen** said sign issues are usually administered by staff; the applicant can work with staff if he would like signage.

Motion:

Mack McDonald made a motion that the Planning Commission approve the temporary use subject to all applicable Farmington City ordinances and development standards, and the following conditions:

1. The use terminates no later than a year from today's date, or May 22, 2015;
2. The hours of operation are limited to 10 a.m. and 10 p.m.
3. The applicant must obtain all other applicable permits for the operation of the temporary use including but not limited to all business license from Farmington City, all health department regulations and all applicable building codes.

Karolyn Lehn seconded the motion which was unanimously approved.

Findings for Approval:

1. The proposed use of the particular location is necessary and desirable and provides a service which contributes to the general well-being of the community.
2. The proposed use complies with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use.
3. The proposed use conforms to the goals, policies and principles of the Comprehensive General Plan.
4. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing neighborhoods.
5. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation.

6. The proposed use is not detrimental to the health, safety and general welfare of persons residing or working in the vicinity.

Item #7. Ivory Homes (Public Hearing) – Applicant is requesting temporary conditional use permit approval for a sales office in Eastwood Estates model home on property located at 53 West Glover Lane in the LR (Large Residential) Zone. (C-6-14)

Eric Anderson stated Ivory Homes already has a model home built in Eastwood Cove. Ivory would like to do a sales office within this model home. Once all the lots are sold, Ivory would remove the office. He reviewed the guidelines for a temporary office in a model home, as found in Section 11-28-12(h)(1)(iii) of the Zoning Ordinance.

Brett Anderson asked if the applicant can use this sales office for the neighboring subdivision Westwood Cove. **Eric Anderson** said no, the sales office must be on site and can only advertise for its development.

The applicant was not present.

Brett Anderson opened the public hearing at 8:20 p.m.

Karl Asay, 850 S. 650 W., stated he has some questions regarding the subdivision near his home. **Brett Anderson** clarified that the item being discussed was Eastwood Cove and not Westwood Cove near Mr. Asay's home. **David Petersen** invited Mr. Asay to bring his questions to staff to be addressed and resolved.

Brett Anderson closed the public hearing at 8:24 p.m.

Rebecca Wayment wanted to clarify that the sales office will close once all the lots are sold. **David Petersen** said yes.

Motion:

Kent Hinckley made a motion that the Planning Commission approve the temporary/conditional use subject to all applicable Farmington City codes, development standards and ordinances, and the following conditions:

1. Approval of the temporary use shall be terminated once the last lot in the subdivision has been sold;
2. If the temporary sales office is located in the garage, any alterations made to accommodate the office shall be removed, and the space shall be converted to function as a garage upon termination of the temporary office.

Mack McDonald seconded the motion which was unanimously approved.

Findings:

1. The proposed use of the particular location is necessary and does provide a service which contributes to the general well-being of the community.

2. Ivory Homes is already building the model home and this use is permitted in the LR Zone. Using the model home as such and a sales office is a dual use; furthermore sales trailers are not permitted in the LR Zone.

ZONE TEXT CHANGES

Item #8. Farmington City (Public Hearing) – Applicant is requesting a recommendation to amend the Zoning Ordinance by enacting Chapter 43 regarding a shorelands preservation zone related to conservation, recreation, a wildlife and waterfowl refuge and parks. (ZT-6-14)

David Petersen stated City Council approved a resolution to establish a conservation, recreation, wildlife and waterfowl refuge and park, and to provide for the continuing management thereof. He received direction from the Council to create an ordinance to make approximately 450 acres a conservation, recreation, wildlife and waterfowl refuge and park. Staff is still working with attorneys as to the best way to craft the ordinance so it is best to continue the item until the June 5, 2014 Planning Commission meeting.

Brett Anderson opened the public hearing at 8:32 p.m.

No comments were received.

Brett Anderson ended the public hearing at 8:32 p.m. for the evening and continued it until June 5, 2014.

David Petersen explained that when an item is tabled, the public hearing is done and must be reposted when it appears on a future agenda. If an item is continued, the posting stands.

Motion:

Kent Hinckley made a motion that the Planning Commission continued this item until June 5, 2014. Rebecca Wayment seconded the motion which was unanimously approved.

Item #9. Farmington City (Public Hearing) – Applicant is requesting a recommendation to amend the Zoning Ordinance by modifying Chapter 12 regarding Conservation Subdivisions. (ZT-3-14)

David Petersen stated the Commission and staff discussed this item at length in the Study Session. The Commission would like to consider a more tiered approach, which would allow the City to better qualify residential areas as those that are important to the City to conserve and those that are not. The Commission was able to provide a lot of feedback to the staff. David Petersen stated he would prefer the item be tabled.

Brett Anderson opened the public hearing at 8:34 p.m.

No comments were received.

Brett Anderson closed the public hearing at 8:34 p.m.

Motion:

Mack McDonald made a motion that the Planning Commission table this item. **Karolyn Lehn** seconded.

ADJOURNMENT

Motion:

At 8:38 p.m., **Rebecca Wayment** made a motion to adjourn the meeting which was unanimously approved.

A handwritten signature in black ink, appearing to read 'Brett Anderson', is written over a horizontal line.

**Brett Anderson, Chairman
Farmington City Planning Commission**